

1 General Assembly could fail to exercise its responsibility  
2 in a constitutional fashion, and that a set of circum-  
3 stances might arise where a Federal District Court would  
4 be forced, because of the exigencies of time, to attempt  
5 the redistricting itself, but I would hope that this would  
6 go a long way towards thrusting the ultimate responsibility  
7 on the General Assembly.

8 THE CHAIRMAN: Delegate Marion.

9 DELEGATE GALLAGHER: I might say that within two  
10 years after the Westbury v. Sanders case, 27 states acted  
11 to redistrict their Congressional areas virtually voluntarily.  
12 Maryland was only one of four which found that its ultimate  
13 discharge of responsibility had to be vested in the courts  
14 rather than on the General Assembly.

15 THE CHAIRMAN: Delegate Marion.

16 DELEGATE MARION: But there is no authority in  
17 this section for the Court of Appeals of Maryland to  
18 assume the responsibility if the Legislature fails to  
19 act, would that be correct?

20 DELEGATE GALLAGHER: That is correct. We  
21 toyed with the idea of having the Court of Appeals do this,